

AMENDED IN ASSEMBLY MARCH 23, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 284

Introduced by Assembly Member Garrick

February 12, 2009

An act to add Section 47605.9 to the Education Code, relating to charter schools.

LEGISLATIVE COUNSEL'S DIGEST

AB 284, as amended, Garrick. Charter schools: *petitions*.

The Charter Schools Act of 1992 permits teachers and parents to petition the governing board of a school district to approve a charter school to operate independently from the existing school district structure as a method of accomplishing, among other things, improved pupil learning. A charter petition is required to be signed by a specified number of teachers or parents who are meaningfully interested in either enrolling their children in the school or teaching at the school.

If a school district denies a petition, the petitioners may submit the petition to the county board of education. If a county board of education denies a petition, the petitioners may submit the petition to the State Board of Education, which may designate its supervisorial and oversight responsibilities for a charter school it approves to any local educational agency in the county in which the charter school is located or to the governing board of the school district that first denied the petition.

A county board of education is authorized to grant a charter petition submitted directly to it for a countywide charter school. In addition, a petition for the operation of a statewide charter school that will provide instructional services of statewide benefit may be submitted directly to the state board, in which case the state board may enter into an

agreement with a 3rd party to oversee, monitor, and report on the operations of the state charter school.

~~This bill would authorize the chancellor of a campus of the University of California, the president of a campus of the California State University, the governing board of a community college district, the mayor of a city, or a nonprofit corporation to submit a petition directly to the state board without gathering signatures of parents or teachers. The state board would be authorized to approve a charter petition for the operation of a charter school by the University of California, California State University, or community college district within the county in which it maintains a campus, or by a mayor within the city limits, or by a nonprofit corporation within the county in which the corporation operates.~~

~~The state board would not be required to approve a petition and would be authorized to deny approval based on the reasons that permit a county board of education to deny a petition for a countywide charter school. The state board would be authorized to enter into an agreement with a third party to oversee, monitor, and report on the operations of the state charter school.~~

~~The state board would be required to adopt regulations for the implementation of the provisions enacted by the bill.~~

This bill would authorize a petition to establish a charter school to be submitted for approval to the president of a campus of the California State University or the governing board of a community college district if the petition proposes the operation of a charter school within the county in which the university or community college maintains a campus. The president of a campus of the California State University and the governing board of a community college district would be authorized to grant a petition submitted to it for approval. The president of a campus of the California State University and the governing board of a community college district that grants a charter petition would be required to assume all of the duties, responsibilities, functions, and obligations that the governing board of a school district assumes when it grants a charter petition. A charter school established as specified in the bill would be required to receive the state aid portion of the charter school's total general-purpose entitlement, categorical block grant, other state and federal categorical aid, and lottery funds directly.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 47605.9 is added to the Education Code,
2 to read:

3 ~~47605.9. (a) The chancellor of a campus of the University of~~
4 ~~California, the president of a campus of the California State~~
5 ~~University, the governing board of a community college district,~~
6 ~~the mayor of a city, or a nonprofit corporation may submit a~~
7 ~~petition directly to the state board. Notwithstanding subdivision~~
8 ~~(b) of Section 47605.8, the state board may approve a charter~~
9 ~~petition submitted pursuant to this section as follows:~~

10 ~~(1) If the petition is submitted by the University of California,~~
11 ~~California State University, or a community college district, the~~
12 ~~charter school shall operate within the county in which the~~
13 ~~petitioner maintains a campus.~~

14 ~~(2) If the petition is submitted by a mayor the charter school~~
15 ~~shall operate within the city limits.~~

16 ~~(3) If the petition is submitted by a nonprofit corporation the~~
17 ~~charter school shall operate within the county in which the~~
18 ~~corporation operates.~~

19 ~~(b) The state board shall adopt regulations for the~~
20 ~~implementation of this section. The regulations shall ensure that~~
21 ~~a charter school approved pursuant to this section meets the~~
22 ~~requirements of Section 47605, except subparagraphs (A) and (B)~~
23 ~~of paragraph (1) of subdivision (a).~~

24 ~~(c) As a condition of approving a charter petition pursuant to~~
25 ~~this section, the state board may enter into an agreement with a~~
26 ~~third party, at the expense of the charter school, to oversee,~~
27 ~~monitor, and report on, the operations of the state charter school.~~
28 ~~The state board may prescribe the aspects of the operations of the~~
29 ~~state charter school to be monitored by the third party and may~~
30 ~~prescribe appropriate requirements regarding the reporting of~~
31 ~~information concerning the operations of the state charter school~~
32 ~~to the state board.~~

33 ~~(d) The state board shall not be required to approve a petition~~
34 ~~for the operation of a charter school submitted pursuant to this~~
35 ~~section and may deny approval based on the reasons set forth in~~
36 ~~subdivision (b) of Section 47605.6.~~

37 ~~47605.9. (a) A petition to establish a charter school may be~~
38 ~~submitted for approval to the president of a campus of the~~

1 *California State University or the governing board of a community*
2 *college district if the petition proposes the operation of a charter*
3 *school within the county in which the university or college*
4 *maintains a campus. The president of a campus of the California*
5 *State University and the governing board of a community college*
6 *district may grant a petition submitted for approval pursuant to*
7 *this section.*

8 *(b) The president of a campus of the California State University*
9 *and the governing board of a community college district that grants*
10 *a charter petition shall assume all of the duties, responsibilities,*
11 *functions, and obligations that the governing board of a school*
12 *district assumes when it grants a charter petition.*

13 *(c) Notwithstanding Section 47651, a charter school established*
14 *pursuant to this section shall receive the state aid portion of the*
15 *charter school's total general-purpose entitlement, categorical*
16 *block grant, other state and federal categorical aid, and lottery*
17 *funds directly. Warrants for a charter school established pursuant*
18 *to this section shall be drawn as specified in paragraph (1) of*
19 *subdivision (a) of Section 47651. The notification requirement*
20 *specified in subdivision (b) of Section 47651 shall be given by a*
21 *charter school established pursuant to this section to the county*
22 *superintendent of schools of the county in which the charter school*
23 *operates.*